

Art Unit: 1635

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Frederick on 5/27/2010.

The application has been amended as follows:

Claim 5 has been amended to read:

5. A method of identifying a human patient suspected of having a lung adenocarcinoma wherein said method comprises:

obtaining a cell or tissue sample of cells or tissue suspected of comprising the lung adenocarcinoma from the patient;

exogenously expressing RB2/p130 gene in said cell or tissue sample; and,

assaying for expression of a gene set in said cell or tissue sample, wherein down-regulation of transcription of the gene set by at least two fold in said sample is indicative of possible presence of lung adenocarcinoma, said gene set selected from the group consisting of PCNA, MKK3, B-MYB, CCNF, BUB1B, PLK, NIK, KNSL2, PCSK7, CCNB2, GPRK6, HCFC1, PFAS, DNMT1, KPNA2, STK 15, TIEG, BUB1, ELK1, UMPK, PMI, CAMKK2, GSK3B, HADHSC, POLD1, NOL1, EMK1, GRP-R, XRCC3, CHK, MAGEA3/6, PPMIG, TRAF5, ABCF2, TEAD4, PIM1, CCND1, CDR2, PSMB2, RAF1, and combinations of any thereof.

Claim 7 has been amended to read:

7. The method of claim 5, wherein the gene set is RAF1, PIM1, GRP-R, and KPNA2.

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Claim 8 has been amended to add a period (that is, ".") at the end of the claim as a period was previously missing from the end of the claim.

Claim 9 has been amended to read:

9. The method of claim 5, wherein the gene set is CCNF, BUB1B, PLK, KNSL2, PCSK7, CCNB2, GPRK6, HCFC1, PFAS, DNMT1, STK15, TIEG, BUB1, ELKI, UMPK, PMI, CAMKK2, GSK3B, HADHSC, POLD1, NOL1, EMK1, XRCC3, CHK, MAGEA3/6, PPM1G, TRAF5, ABCF2, TEAD4, CCND1, CDR2 and PSMB2.

Upon entry of the above Examiner's Amendment, claims 5-9, 11 and 12 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. E. ANGELL whose telephone number is 571-272-0756. The examiner can normally be reached on Monday-Thursday 7:00 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Fereydoun Sajjadi can be reached on 571-272-3311. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. E. ANGELL/
Primary Examiner, Art Unit 1635